

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:11cr236
	§	
ANDRESA ELSIE MONSON	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant’s supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on February 21, 2012, to determine whether Defendant violated her supervised release. Defendant was represented by Frank Henderson. The Government was represented by Ernest Gonzalez.

On March 10, 2011, Defendant was sentenced by the Honorable James H. Payne, United States District Judge, to a sentence of 12 months and 1 day of imprisonment followed by a 3-year term of supervised release, for the offense of conspiracy to commit fraud in connection with access devices. Defendant began her term of supervision on July 25, 2011. The case was reassigned to the Honorable Richard A. Schell, United States District Judge, on December 1, 2011.

On January 12, 2012, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the “Petition”) (Dkt. 2). The Petition asserts that Defendant violated multiple conditions of supervision.

At the hearing, the parties announced they reached an agreement that Defendant plead true to only Allegation 2 which directs Defendant to refrain from any unlawful use of a controlled substance.

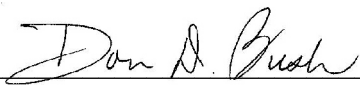
Allegation 2 of the Petition alleges that on August 20, October 31 and December 16, 2011, Defendant submitted urine specimens that tested positive for marijuana and methamphetamine and that on September 19, 2011, Defendant submitted a urine specimen that tested positive for methamphetamine.

At the hearing, Defendant entered a plea of true to Allegation 2. Defendant waived her right to allocute before the district judge and her right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of her supervised release and that her supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the February 21, 2012 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eight (8) months, with 28 months supervised release to follow.

SIGNED this 27th day of February, 2012.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE